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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91162780
Party	Plaintiff Message In A Bottle, Inc. f/k/a Gold Shells, Inc.
Correspondence Address	PETER H SMITH ATTORNEY AT LAW 1535 J STREET, SUITE A MODESTO, CA 95354 UNITED STATES
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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<p>MESSAGE IN A BOTTLE, INC.</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>KEITH CANGIARELLA</p> <p style="text-align: center;">Applicant</p>	<p>Opposition No.: 91,162,780</p> <p>Application Serial No.: 78/229,875</p> <p>Mark: MESSAGE IN A BOTTLE</p>
<p>KEITH CANGIARELLA</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>MESSAGE IN A BOTTLE, INC.</p> <p style="text-align: center;">Registrant</p>	<p>Counterclaim for cancellation</p> <p>Registration No.: 2,243,269</p> <p>Mark: MESSAGE IN A BOTTLE</p>
<p style="text-align: center;"><b>OPPOSER MESSAGE IN A BOTTLE, INC.’S OBJECTION TO APPLICANT’S REPLY TO OPPOSER’S REPLY TO OPPOSITION TO MOTION TO STRIKE APPLICANT’S NOTICE OF RELIANCE</b></p>	

OPPOSER MESSAGE IN A BOTTLE, INC. (“Opposer”) hereby objects to Applicant Keith Cangiarella’s (“Applicant”) “Reply to Opposer Message In A Bottle, Inc.’s Reply to Motion To Strike Applicant’s Notice of Reliance” (“Applicant’s Reply”), filed July 13, 2008.

Applicant’s reply is not permitted under TMBP §502.02(b). That section provides for the filing of a brief in support of a motion by a moving party, a response brief, and, at the Board’s discretion, a reply brief in support of the motion. TMBP

§502.02(b). “No further papers (including surreply briefs) will be considered by the Board.” *Id.* Accordingly, Applicant’s Reply should not be considered by the Board.

Respectfully submitted,

MESSAGE IN A BOTTLE, INC.

By its attorney,

Date: July 16, 2008

By: /s/ Peter H. Smith  
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### **Certificate of Service**

I hereby certify that a copy of the foregoing Opposer Message In A Bottle, Inc.’s Objection to Applicant’s Reply to Opposer’s Reply to Opposition to Motion to Strike Applicant’s Notice of Reliance was mailed first class mail, postage prepaid, to Keith Cangiarella, 331 N. Harrington Drive, Fullerton, California 92831, on July 16, 2008.

/s/ Peter H. Smith  
Peter H. Smith